IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 24663 of 2004

Between:

M.Narasaiah, s/o Chandraiah, aged 53 years,
Occ: Asst. Depot Clerk StaffNo.76690,

r/o Donga Thurthi Via Basanthnagar,

Karimnagar District.

..... PETITIONER

AND

1. Andhra Pradesh State Road transport Corporation,

rep., by its Managing Director, Musheerabad,

Hyderabad.

2. The Depot Manager,

Andhra Pradesh State Road Transport Corporation,

Manthani Depot, Manthani, Karimnagar District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No.01/443(3)/2001-MNTY dated 9-1-2003 ordering recovery of Rs.21,255/- as illegal, arbitrary and contrary to

Operational Manual of the APSRTC and violative of principles of natural justice and consequently set aside the same with further direction to the respondents to refund the amounts already recovered from the petitioner in pursuance to the office order No.01/443(3)/2001-MNTY dated 9/1/2003 and pass other order or orders.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court made the following:

ORDER:

The allegation against the petitioner is that he has not properly checked the ticket tray box from Sri B.Hari Chand, Conductor, Manthani Depot and collected bus cash from him and caused the improper maintenance of details of ticket blocks in the tray and because of his negligence tickets blocks worth Rs.21,255/- were found missing. Two charges have been framed against the writ petitioner and after calling for explanation the present impugned proceedings have been passed directing the petitioner to pay Rs.21,255/- towards loss of the tickets blocks. Challenging the same, the present writ petition is filed.

2. Learned counsel for the petitioner contended that the Corporation is entitled to recover the amount for printing and stationery charges of the tickets blocks, but not value of the tickets and therefore it suffers from serious legal infirmities. He placed reliance on the decision of this Court in **Ch.P.REDDY v. A.P.S.R.T.C, HYDERABAD AND ANOTHER** wherein it was held thus:

> " In no case, an amount more than the amount which was lost by the Corporation can be recovered from the negligent official."

3. On the other hand the learned Standing Counsel appearing for the respondents contended that there are two charges and the second charge is for the Department to take appropriate decision and even with regard to the first charge the value of the printing charges and the stationery of the missing blocks of the tickets have to be determined by the respondents.

4. Following the said judgment, the impugned proceedings are to be set aside since the amount sought to be recovered is the value of the tickets blocks, but not the cost of printing charges and stationery. Therefore, it is not in accordance with the Regulation 8(v) of the A.P.S.R.T.C. CCA Regulations, 1963. As per this regulation the pecuniary loss caused to the Corporation by an employee's negligence, the Corporation is at liberty to recover the same from the pay of the said employee. The impugned order does not indicate the cost of the printing charges or value of the stationery. Therefore, the impugned proceedings are contrary to the Regulation 8 of the CCA Regulations, 1963. Therefore, it is set aside. However, the Corporation is at liberty to proceed further in pursuance of the charge sheet dated 07.04.2001 in accordance with the regulations.

5. The writ petition is disposed of accordingly. No costs.

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K.C.BHANU,J.

Date: 29th December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director,Andhra Pradesh State Road transport

Corporation, Musheerabad, Hyderabad.

2. The Depot Manager,

Andhra Pradesh State Road Transport Corporation,

Manthani Depot, Manthani, Karimnagar District.

3. Two CD copies